

An
Coimisiún
Pleanála

**Commission Order
ABP-321442-24**

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

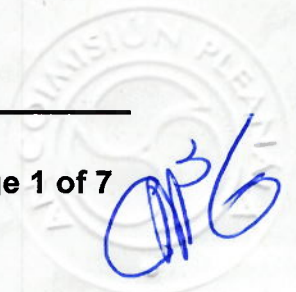
Planning Register Reference Number: 24/162

Appeal by Paul Prendergast and Rachel Kindlon care of TH Planning Services of Rathroal, Knockbridge, Dundalk, County Louth against the decision made on the 15th day of November, 2024 by Louth County Council to refuse permission.

Proposed Development: Construction of a single storey detached dwelling, detached domestic garage, site entrance, all connection to public services, wastewater treatment system and all associated site works, all at Rathroal, Knockbridge, Dundalk, County Louth.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.



Reasons and Considerations

Having regard to the location of the site, the nature, scale and extent of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Louth County Development Plan 2021-2027, would not adversely impact on the character of the area, including the visual or architectural amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted that the Inspector recommended two reasons for refusal (foul drainage concerns and proximity to a protected structure) in his initial report. With regard to the first recommended reason, the Inspector noted the subsequent request for further information issued by the Commission and the response of the applicant and on the basis of this further information changed his recommendation, to exclude that reason in his addendum report. On the issue of potential adverse impact on a protected structure (Stephenstown House) and the wider landscape, the Commission examined the totality of the documentation on file and the relevant provisions of the statutory development plan. In this regard, the Commission considered that, due to the distance between the protected structure and the referenced subject site, and the topography of the area, no material visual or landscape link, much less visual, landscape or architectural impact would arise. In this context the Commission did not share the opinion of the Inspector and determined that a grant of permission was warranted on the basis of the information available on the file and without the need in this instance for a formal appraisal and assessment within the meaning of Policy Objective BHC 39 of the development plan.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 30th day of June, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwellinghouse, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwellinghouse, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwellinghouse in accordance with paragraph (a) and the date of such occupation.



This condition shall not affect the sale of the dwellinghouse by a mortgagee in possession or the occupation of the dwellinghouse by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed garage shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for habitable or commercial purposes.

Reason: In the interest of the proper planning and sustainable development of the area.

4. (a) The roof colour of the proposed dwellinghouse shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. Details of the proposed surfacing works to the front of the access point on the laneway serving the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.



6. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing front boundary hedge and fence shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

7. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

8. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.



9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwellinghouse, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

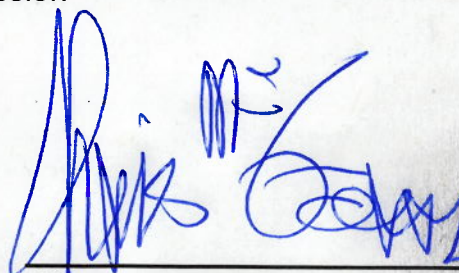
Reason: In the interest of public health and to prevent water pollution.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 4th day of November 2025.

